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Attorney Docket No. 5470-368

MAR 26 2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ting et al.  
Application No.: 10/511,989  
Filed: May 25, 2005  
For: Caterpillar gene family

Confirmation No.: 4540  
Group Art Unit: 1633  
Examiner: S. Priebe

Date: March 26, 2007

**Via facsimile transmission to 571-273-8300**  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir,

This is responsive to the January 24, 2007 Office Action issued regarding the above-referenced patent application. A Petition for Extension of Time is included herewith. Please consider the following remarks.

The Office Action states that the application contains 48 different inventions (Groups I – XLVIII), which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Applicants elect Group III (claims 1, 3, 4, 10, 11, 16 and 20) without traverse. Furthermore, if the claims of Group III are found to be allowable, applicants request that the Examiner review and examine all method claims that recite the allowable nucleic acids of Group III, according to the practice of rejoinder as set forth in section 821.04 of the MPEP. In particular, it is stated therein that if a product claim is elected in a restriction and then found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim are to be rejoined.

The Examiner is encouraged to contact the undersigned directly if such contact will expedite the search and examination of the pending claims and their allowance to issue.